

## REMARKS

In an Office Action mailed July 26, 2006, the Examiner objected to Claims 1 and 13. In addition, the Examiner rejected Claims 1, 4, 6-7 and 23 under 35 U.S.C. § 112, second paragraph for being indefinite. Furthermore, the Examiner rejected Claims 1-4, 6-9 12, 14-16, 19, 21-22, 24 and 26 under 35 U.S.C. § 112, first paragraph for failing to comply with the written description and enablement requirements.

The Applicants respond to each of the Examiner's objections and rejections below. All newly presented amendments are intended to place the claims into condition for allowance. In view of the amendments noted above and the arguments presented herein, the Applicants respectfully request reconsideration of the merits of this application.

### Objections to the Claims

First, the Examiner alleged that Claim 1 is unclear for failing to recite the word "level" on line 5, immediately after the recitation "amino acid." In view of the amendments made to Claim 1 in response to the indefiniteness rejection, Applicants believe that this rejection is moot.

Second, the Examiner alleged that Claim 13 is unclear for reciting the word "earlier flowering timing" instead of "earlier flowering time." Applicants cancel Claim 13, therefore, this objection is moot. However, Applicants amend Claims 8 and 16 so that each recites "earlier flowering time." Therefore, Applicants respectfully request reconsideration of the objection as applied to Claims 1.

### Rejections Under 35 U.S.C. § 112, second paragraph

First, the Examiner alleged that Claim 1 is indefinite for reciting "a polynucleotide having a coding region which has at least 70% identity at the amino acid level to SEQ ID NO:3." Applicants amend Claim 1 so that it recites a polynucleotide encoding a FPA protein.

Second, the Examiner alleged that Claim 23 is indefinite because the phrase, "the polynucleotide sequence," lacks antecedent basis. Applicants amend Claim 23 so that it recites that "the FPA gene has a polynucleotide sequence." Accordingly, Applicants respectfully request reconsideration of these rejections as applied to Claims 1 and 23, as well as the claims that depend therefrom.

Rejections Under 35 U.S.C. § 112, first paragraph

First, the Examiner alleged that Claims 1-4, 6-9, 12, 14-16, 19, 21-22, 24 and 26 fail to meet the written description requirement because they recite polynucleotides and/or polypeptides with at least 70% homology to SEQ ID NOS:2-3. Applicants amend Claims 1, 8, 16, 22, 24 and 26 so that each requires the actual SEQ ID NO.

Second, the Examiner alleged that Claims 1-4, 6-9, 12, 14-16, 19, 21-22, 24 and 26 fail to meet the enablement requirement because they recite polynucleotides of SEQ ID NOS:1-2 with 70% to 80% homology to SEQ ID NO:3. As noted in the previous paragraph, Applicants amend Claims 1, 8, 16, 22, 24 and 26 so that each requires the actual SEQ ID NO. Thus, Applicants respectfully request reconsideration of these rejections as applied to Claims 1-4, 6-9, 12, 14-16, 19, 21-22, 24 and 26.

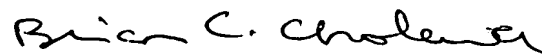
Additional Remarks

Applicants cancel Claim 13, as it is a duplicate of amended Claim 8. Likewise, Applicants cancel Claim 23, as it is a duplicate of amended Claim 22. In addition, Applicants cancel Claim 27, as it is drawn to a non-elected claim. Furthermore, Applicants amend Claims 14-15 to correct a typographical error.

Fees

No fee is believed due in connection with this submission. However, if a fee is due, in this or any subsequent response, please charge the fee to Deposit Account No. 17-0055. Likewise, no extension of time is believed due, but should any extension be required in this or any subsequent response, please consider this to be a petition for the appropriate extension of time and a request to charge the petition fee due to the same Deposit Account.

Respectfully submitted,



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